

MONDAY, FEBRUARY 1, 1999

Crim. THE PEOPLE EX REL. ETC.  
No. v.  
C022579 RICHARD E. WILMSHURST ET AL.

BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: February 1, 1999

SCOTLAND, P.J.

Civil RAY KOSOLA (Not for Publication)  
No. v.  
C028334 BRENTON SAFETY, INC.

The judgment is affirmed. Defendant shall receive its costs on appeal.

SIMS, Acting P.J.

We concur: CALLAHAN, J.  
HULL, J.

Crim. THE PEOPLE (Not for Publication)  
NO. v.  
C029507 MARIO L. JOHNSON

The judgment is affirmed.

SCOTLAND, P.J.

We concur: SIMS, J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C027418 HARRY THOMAS SEPERAS

The sentence is vacated and the matter remanded for a new sentencing hearing only

BLEASE, Acting P.J.

We concur: RAYE, J.  
HULL, J.

MONDAY, FEBRUARY 1, 1999 CONTINUED

Juvenile      COBERN A.                      (Not for Publication)  
No.                      v.  
C031258      SAN JOAQUIN COUNTY SUPERIOR COURT  
HUMAN SERVICES AGENCY OF SAN JOAQUIN COUNTY  
The petition and request for a stay are denied.  
SCOTLAND, P.J.

We concur:                      SIMS, J.  
MORRISON, J.

Crim.              THE PEOPLE                      (Not for Publication)  
No.                      v.  
C029927      DAVID LEE CURLE  
The judgment is affirmed.  
SCOTLAND, P.J.

We concur:                      SIMS, J.  
MORRISON, J.

Juvenile      KAREN S., ET AL                      (Certified for Partial Publication)  
No.                      v.  
C031025      SUPERIOR COURT OF EL DORADO COUNTY  
EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES ET  
AL.  
The petitions for writ of mandate are denied. The request for a stay  
is dismissed as moot.  
SCOTLAND, P.J.

We concur:                      SIMS, J.  
MORRISON, J.

TUESDAY, FEBRUARY 2, 1999

Civil              JACK D. FREELS                      (Not for Publication)  
No.                      v.  
C028956      BOARD OF EQUALIZATION  
The judgment is reversed and the matter remanded for further  
proceedings in accordance with the views expressed in this opinion. The  
Board shall receive its costs on appeal.  
HULL, J.

We concur:                      BLEASE, Acting P.J.  
DAVIS, J.

## MONDAY, FEBRUARY 1, 1999 CONTINUED

Civil	In re the Estate of IDA S. PHILLIPS, deceased
No.	GENE MAZZA, as Executor, ETC.
C030244	v.

JAMES RANDY SANTOS

BY THE COURT:

Pursuant to written request of appellant, the appeal filed August 3, 1998, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19 (b).)

Dated: February 2, 1999.

SCOTLAND, P.J.

Civil                    ESTATE OF ALLYN TAR BUSH, Deceased  
No.                    ARDYNNE J. TAR BUSH ET AILIA  
C028257            v.                    (Not for Publication)

(Not for Publication)

WORKERS' COMPENSATION APPEALS BOARD  
EMPLOYMENT DEVELOPMENT DEPARTMENT ET ALIA

The decision of the Board is affirmed..

DAVIS, J.

We concur: SCOTLAND, P.J.  
HULL, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028332 STEVEN RAY PERRIDON

The judgment is affirmed. If it has not already done so, the trial court is directed to prepare a corrected abstract of judgment, showing that the sentence are to be served consecutively, and to deliver the corrected abstract of judgment to the Department of Corrections.

NICHOLSON, Acting P.J.

We concur:                    RAYE, J.  
   HULL, J.

Civil WILLARD PELZ ETC., ET AL.  
No. v. ((Not for Publication))  
C025517 WEIDER MANAGEMENT SERVICES, INC. ET AL.

The judgment is reversed. The defendants shall recover their costs on appeal.

NICHOLSON, J.

We concur: SCOTLAND, P.J.  
BLEASE, J.

## MONDAY, FEBRUARY 1, 1999 CONTINUED

Civil                      JON V. ELLIS                      (Not for Publication)

No. v.

C028858 JEFFREY M. VOORHEES ET AL.

The judgment is affirmed. Voorhees shall recover costs on appeal.

RAYE, J.

We concur: NICHOLSON, Acting P.J.

HULL, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C027836      LESLIE MILLER BELL

The judgment is affirmed.

RAYE, J.

I concur: MORRISON, J.

I concur in the opinion:

SIMS, Acting P.J.

TUESDAY, FEBRUARY 3, 1999

Juvenile      In re JUSTIN S., a Person Coming Under the Juvenile Court Law.

No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (Not for Publication)

C029901 v.

KELLY.

The orders are affirmed.

SCOTLAND, P.J.

We concur: SIMS, J.

NICHOLSON, J.

WEDNESDAY, FEBRUARY 3, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C027496 MARK ALAN FREDERICK

The judgment is affirmed.

NICHOLSON, Acting P.J.

I concur:

RAYE, J

I concur in the majority's opinion, but write separately to express concerns with portions of CALJIC No. 2.30.01 (6th ed. 1996 bound vol.) In another case, with different circumstances, the instruction could give rise to prejudicial error. ...

HULL, J.

Juvenile In re JOSHUA H., a Person Coming Under the Juvenile Court Law.  
No. THE PEOPLE (Not for Publication)  
C027474 V.  
JOSHUA H.

The judgment (order) is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028062 JOHN PATRICK MCGUIRE

The judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.  
RAYE, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C026604 JAMES RUSSEL WEEMS

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
PUGLIA, J.

THURSDAY, FEBRUARY 4, 1999

Civil NORREEN HEATH  
 No. v.  
 C029192 PIZZA HUT OF SAN DIEGO INC.

BY THE COURT:

Pursuant to the written stipulation of counsel, the appeal filed on March 30, 1998, is dismissed. It is further ordered pursuant to said stipulation that the remittitur issue forthwith. Each party is to bear their own costs on appeal.

Dated: February 4, 1999

SCOTLAND, P.J.

Civil STATE OF CALIFORNIA ET AL.  
 No. v.  
 C029373 SUPERIOR COURT OF AMADOR COUNTY  
 JAMIE L. PESCE

We have complied with the procedural prerequisites to issuance of a peremptory writ in the first instance described in *Palma v. U. S. Fasteners, Inc.* (1984) 36 Cal. 3d 171, 177-180. Let a peremptory writ of mandate issue commanding respondent court to set aside its ruling sustaining plaintiff's objections to the discovery referee's report as to the eight questions identified above (and imposing sanctions), and to enter a new and different order overruling said objection and denying sanctions.

NICHOLSON, Acting P.J.

We concur: RAYE, J.  
 HULL, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C028426 RETA GALE ORNER

The judgment is affirmed.

SIMS, Acting P.J.

We concur: CALLAHAN, J.  
 HULL, J.

THURSDAY, FEBRUARY 4, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C025949 WADE ROBERT LAWSON

Defendant's conviction for violation of section 288, subdivision (a) are reversed. The judgment is otherwise affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
 DAVIS, J.

Civil EAST BAY ASIAN LOCAL DEVELOPMENT CORP. ET AL  
 No. v. (Certified for Publication)  
 C024192 STATE OF CALIFORNIA

The judgment is reversed and the matter remanded to the trial court with directions to vacate the order granting and to deny plaintiff's motion for summary judgment; and to grant the state's motion for summary judgment and enter judgment accordingly. The state shall recover its cost on appeal.

PUGLIA, J.

We concur: BLEASE, Acting P.J.  
 DAVIS, J.

FRIDAY, FEBRUARY 5, 1999

Juvenile In re LATIA K. ET AL., Persons Coming Under the Juvenile Court law.  
 No. DEPARTMENT OF HEALTH & HUMAN SERVICES  
 C031414 v.  
 AQUANETTA K.  
 BY THE COURT:

No claim of error having been raised by appellant Aquanetta K., the appeal filed December 15, 1998, is dismissed as abandoned. (In re Sade C. (1996) 13 Cal. 4th 952, 994.)

Dated: February 5, 1999

SCOTLAND, P.J.

FRIDAY, FEBRUARY 5, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028459 MICHAEL JEROME IVORY

The judgment is affirmed.

CALLAHAN, J.

We concur: SCOTLAND, P.J.  
BLEASE, J.